

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

NATHAN E. BURGESS

v.

DR. BENJAMIN BASSICHIS, ET AL.

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Civil Action No. 4:18-CV-681

(Judge Mazzant/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 11, 2020, the report of the Magistrate Judge (Dkt. #146) was entered containing proposed findings of fact and recommendations that the Bassichises' Motions for Summary Judgment (Dkts. #97; #98) be granted; the City Defendants' Motion for Summary Judgment (Dkt. #102) be granted; Defendants' Amended Joint Rule 41(b) Motion to Dismiss (Dkt. #96) be denied as moot, and each and every one of Plaintiff Nathan E. Burgess's claims be dismissed with prejudice. Plaintiff acknowledged receipt of the report on August 15, 2020 (Dkt. #147); Plaintiff's email address is on the electronic service list (Dkt. #5). Plaintiff subsequently filed a Notice on August 21, 2020, of his intent to file an amended complaint (Dkt. #148). On the same day, the Magistrate Judge entered an order reiterating that, notwithstanding, Plaintiff's deadline to file objections to the Report and Recommendation (Dkt. #146) is Monday, August 31, 2020 (Dkt. #149). Plaintiff did not file objections.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is therefore **ORDERED** that the Bassichises' Motions for Summary Judgment (Dkts. #97; #98) are **GRANTED**.

It is further **ORDERED** that the City Defendants' Motion for Summary Judgment (Dkt. #102) is **GRANTED**.

It is further **ORDERED** that Defendants' Amended Joint Rule 41(b) Motion to Dismiss (Dkt. #96) is **DENIED AS MOOT**.

It is further **ORDERED** that Defendants' Motion for Sanctions (Dkt. #140), which is rendered moot in light of the Court granting the Motions for Summary Judgment, is **DENIED AS MOOT**.

It is finally **ORDERED** that each and every one of Plaintiff Nathan E. Burgess's claims are **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

SIGNED this 3rd day of September, 2020.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE